

GREENFIELD CITY COUNCIL

197th Regular Meeting Minutes

September 18, 2019

7:00 p.m.

John Zon Community Center

35 Pleasant Street

Council Vote Summary

WEBSITE VERSION

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 20-036

MOTION: On a motion by Councilor Ricketts, second by Councilor Berson, it was by roll call, 6 yes, 5 no, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL VOTES TO ENTER INTO EXECUTIVE SESSION FOR REASON #3 – TO DISCUSS STRATEGY WITH RESPECT TO PENDING AND IMMINENTLY THREATENED LITIGATION WHERE AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY, THE FOLLOWING IS A SUMMARY LISTING OF THE ITEMS TO BE DISCUSSED:

- Franklin County Superior Court case of Al Norman v. City of Greenfield
- Litigation involving P. Buchnan
- Litigation involving T. Dodge
- Litigation involving S. Kinney-D. Kelley
- Litigation involving K. Friedman
- Litigation involving E. Braccia
- Threatened Litigation involving International Container Company (ICC).

Order no. FY 20-038

MOTION: On a motion by Councilor Gilmour, second by Councilor Mayo, it was, by majority show of hands, 6 yes, 4 no,

TABLED: THAT IT BE ORDERED THAT THE “ESTABLISH THE CITY OF GREENFIELD AS A SAFE CITY ORDINANCE” PREVIOUSLY VOTED ON BY THE CITY COUNCIL ON AUGUST 21, 2019, AND VETOED BY THE MAYOR ON SEPTEMBER 3, 2019, IS HEREBY APPROVED.

Order no. FY 19-148

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was by majority, 8 yes, 2 no, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 19-121 “THE SUM OF \$120,000 BE APPROPRIATED FOR THE REPAIR DESIGN FOR THE WILEY RUSSELL DAM. TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$120,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION , AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.”

WHICH WAS TABLED AT THE MAY 22, 2019 CITY COUNCIL ANNUAL BUDGET MEETING.

Order no. FY19-121

DEFEATED: THE SUM OF \$120,000 BE APPROPRIATED FOR THE REPAIR DESIGN FOR THE WILEY RUSSELL DAM. TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$120,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS OR

BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION , AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

Order no. FY 20-028

MOTION: On a motion by Councilor Wheeler, second by Councilor Mayo, it was by majority, 3 yes, 7 no, **DEFEATED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-009, "THE SUM OF \$460,000 BY APPROPRIATED FOR THE REPLACEMENT OF THE HEATING SYSTEM IN GREEN RIVER SCHOOLS AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$460,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS." WHICH WAS TABLED AT THE JULY 17, 2019 CITY COUNCIL MEETING.

Order no. FY 20-039

MOTION: On a motion by Councilor Gilmour, second by Councilor Mayo, it was by majority, 9 yes, 1 no, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-018, "AMEND CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 11: PUBLIC SAFETY COMMISSION, SUBSECTION (d): POWERS AND DUTIES, (4), BY DELETING "CIVIL SERVICE LAW", AND INSERTING IN ITS PLACE, "APPLICABLE OR COLLECTIVE BARGAINING AGREEMENTS." TO READ AS FOLLOWS:

SECTION 6-11. Public Safety Commission.

(d) 4. Final interviews for appointments and promotions of officers and men and women, in the Police and Fire Department, shall be conducted by the commission and the chief. The chief shall submit his recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with ~~Civil Service Law~~ **collective bargaining agreements and applicable** General Laws and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER." WHICH WAS TABLED AT THE JULY 17, 2019 CITY COUNCIL MEETING.

Order no. FY 20-018

DEFEATED: AMEND CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 11: PUBLIC SAFETY COMMISSION, SUBSECTION (d): POWERS AND DUTIES, (4), BY DELETING "CIVIL SERVICE LAW", AND INSERTING IN ITS PLACE, "APPLICABLE OR COLLECTIVE BARGAINING AGREEMENTS." TO READ AS FOLLOWS:

SECTION 6-11. Public Safety Commission.

(d) 4. Final interviews for appointments and promotions of officers and men and women, in the Police and Fire Department, shall be conducted by the commission and the chief. The chief shall submit his recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with ~~Civil Service Law~~ **collective bargaining agreements and applicable** General Laws and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.”

Order no. FY 20-011

MOTION: On a motion by Councilor Wheeler, second by Councilor Berson, it was, it was by majority, 9 yes, 2 no,

TABLED UNTIL NOVEMBER: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT THE GREENFIELD CITY COUNCIL APPROVES REPURPOSING IN THE AMOUNT OF \$300,000 OF PREVIOUSLY AUTHORIZED FOR REPAIR OF THE MAPLEBROOK CULVERT FOR I & I (INFLOW AND INFILTRATION) EVALUATION AND REPAIRS.

Order no. FY 20-031

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was, unanimously,

VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED TO AMEND THE FY20 WATER ENTERPRISE BY REDUCING THE APPROPRIATED AMOUNT BY \$264,832; REVISED APPROPRIATION AMOUNT IS \$1,491,784; AND THAT \$285,285 BE INCLUDED IN APPROPRIATION FROM THE GENERAL FUND FOR WATER INDIRECT COSTS AND BE ALLOCATED TO THE WATER ENTERPRISE FUND FOR FUNDING AND THAT \$1,491,784 BE RAISED FROM WATER RECEIPTS FOR THE FISCAL YEAR STARTING JULY 1, 2019 AND ENDING JUNE 30, 2020.

Order no. FY 20-014

MOTION: On a motion by Councilor Hirschfeld, second by Councilor Mayo, it was by majority show of hands, 6 yes, 2 no, 3 abstention,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED “A RESOLUTION AFFIRMING SUPPORT FOR ACCESS TO SAFE AND LEGAL ABORTION IN THE COMMONWEALTH OF MASSACHUSETTS AND ACROSS THE UNITED STATES”.

Order no. FY 20-033

MOTION: On a motion by Councilor Hirschfeld, second by Councilor Mayo, it was by roll call, 3 yes, 6 no, 1 abstention,

DEFEATED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED “**RESOLUTION REGARDING PRESIDENT DONALD J TRUMP**” BE IT RESOLVED THAT THE CITY COUNCIL OF GREENFIELD, MASSACHUSETTS, HAS DETERMINED THAT, DONALD JOHN TRUMP, THE PRESIDENT OF THE UNITED STATES OF AMERICA, HAS UNDERMINED THE INTEGRITY OF HIS OFFICE WITH IMPUNITY, HAS BROUGHT DISREPUTE ON THE OFFICE OF PRESIDENT, HAS BETRAYED HIS TRUST AS PRESIDENT TO THE MANIFEST INJURY OF THE AMERICAN PEOPLE, AND IS UNFIT TO BE PRESIDENT; WHEREFORE HE WARRANTS IMPEACHMENT. THEREFORE, THE PRESIDENT OF THIS COUNCIL IS HEREBY AUTHORIZED AND IS INSTRUCTED TO NOTIFY CONGRESSMAN JAMES P. MCGOVERN OF THIS COUNCIL’S DETERMINATION THERE IS SUFFICIENT AND CREDIBLE REASONS AND EVIDENCE TO IMPEACH, DONALD JOHN TRUMP, AND REQUEST CONGRESSMAN MCGOVERN COMMUNICATE THIS RESOLUTION TO SPEAKER NANCY PELOSI AND CHAIRMAN JERROLD NADLER FORTHWITH.

Order no. FY 20-032

MOTION: On a motion by Councilor Mass, second by Councilor Allis, it was unanimously,

REFERRED TO COMMITTEE: THAT IT BE ORDERED TO APPROVE THE RESOLUTION TO ACCEPT THE MASS DEVELOPMENT SITE READINESS GRANT FOR THE EXPANSION OF THE I-91 INDUSTRIAL PARK.

Order no. FY 20-034

MOTION: On a motion by Councilor Gilmour, second by Councilor Mass, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE COUNCIL ON AGING: PEG WHITE SAULNIER, FOR A THREE YEAR TERM TO EXPIRE DECEMBER 31, 2022.

Order no. FY 20-040

MOTION: On a motion by Councilor Gilmour, second by Councilor Mass, it was by majority, 1 no,

REFERRED TO COMMITTEE: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5: AMEND THE ZONING ORDINANCE SCHEDULE OF USES, CHAPTER 200 AS WRITTEN IN THE PACKET.

MOTION: On a motion by Councilor Mass, second by Councilor Berson, it was by roll call, 7 yes, 3 no, 1 abstention,

VOTED: TO ACCEPT THE INDIVIDUAL PETITION AS WRITTEN IN THE PACKET.

Order no. FY 20-018 – RECONSIDERATION It was by roll call, 9 yes, 2 no,

VOTED: TO APPROVE ORDER NO. FY20-018 AS AMENDED:

THAT THE GREENFIELD AMEND CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 11: PUBLIC SAFETY COMMISSION, SUBSECTION (d): POWERS AND DUTIES, (4), BY DELETING “CIVIL SERVICE LAW”, AND INSERTING IN ITS PLACE, “APPLICABLE OR COLLECTIVE BARGAINING AGREEMENTS.” TO READ AS FOLLOWS:

SECTION 6-11. Public Safety Commission.

(d) 4. Final interviews for appointments and promotions of officers and ~~men and women~~ **employees**, in the Police and Fire Department, shall be conducted by the commission and the chief. The chief shall submit his recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with ~~Civil Service Law~~ **collective bargaining agreements and applicable** General Laws and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.